

## Extraordinary Contamination in Deutsche Bank Building; Nadler Calls on EPA to Ensure Safety of Residents & Workers in Lower Manhattan

Sunday, 18 July 2004

New York -- Representative Jerrold Nadler (D-NY) today released documents showing extraordinary levels of contamination present in the Deutsche Bank building as a result of the collapse of the World Trade Center (WTC). The Lower Manhattan Development Corporation (LMDC), which has purchased the Deutsche Bank building and has charged itself with the oversight of the imminent teardown, has stated that there is no contamination despite striking evidence to the contrary. In light of this information, Nadler renewed his call for the Environmental Protection Agency (EPA) to fulfill its responsibility under the law as the lead agency accountable for the environmental response to 9/11, and ensure that the surrounding community is not exposed to hazardous substances when the Deutsche Bank building is torn down.

The extraordinary levels of contamination highlight again the need for the EPA to conduct comprehensive testing and cleanup of all buildings, including commercial buildings, which the EPA continues to ignore. Furthermore, the LMDC does not have the expertise to handle the contamination or oversee demolition of the building, and it has a conflict of interest as a building owner that would seek to minimize the cost of the operation.

"The EPA must stop ignoring its responsibility for all buildings contaminated in a terrorist attack, including commercial buildings like the Deutsche Bank. It must protect people living and working in Lower Manhattan who could be exposed, once again, to hazardous substances when the building is torn down, and when hazardous waste is transported from the site. The public has a right to know what hazardous substances are present in their neighborhood. Furthermore, the LMDC's half-baked plan to demolish the Deutsche Bank building presupposes that there is no contamination present in the building. This is ludicrous," said Nadler.

The Deutsche Bank building at 130 Liberty Street was severely damaged on September 11th, when a section of 2 World Trade Center collapsed through 15 stories of the building. Massive quantities of WTC dust penetrated the entire structure. To assess the extent of damage and contamination, \$33 million worth of engineering and environmental studies were conducted throughout the 40-story building. During the study, 60,000 samples were taken over the ten-month period. The results were documented and analyzed in thirty expert reports, which have not been released to the public.

According to the Deutsche Bank court documents, "Environmental test results show that a combination of contaminants known to be hazardous to human health, in quantities and concentrations unparalleled in any other building designed for office use, permeate the entire structure at levels which exceed by up to thousands of times the levels considered appropriate... For example, the concentration of asbestos present at certain locations in the building is almost 150,000 times the level considered appropriate." This level of contamination is reflective of conditions in the surrounding area. In the federally owned building at 90 Church Street, U.S. Government industrial hygienists found lead and other heavy metals, even after the building was cleaned.

The LMDC, which charged itself with the tear down of the building, has been ignoring the concerns of residents and workers and the real threat of contamination present in the building. The LMDC declared itself the lead agency, and says it will demolish the building under the presumption that it is not contaminated, even though it has these test results that document otherwise -- test results that it has not made public. "The reality is that LMDC has no real plan for how to handle this environmental contamination, nor does it have the expertise to develop such a plan," said Nadler. "As the owner of the building, LMDC also has a conflict of interest in managing the project. On its website, LMDC claims to be 'committed to an open, inclusive, and transparent planning process in which the public has a central role in shaping the future of Lower Manhattan.' For those words to be true, LMDC must release all 52 volumes of data generated by the testing of Deutsche Bank, and all subsequent data showing what is inside the building."

Given the unprecedented level of contamination present in the Deutsche Bank Building, residents and workers in Lower

Manhattan are concerned that their health will be once again put at risk when the building is torn down. Phil McArdle, the Health and Safety officer of the Uniformed Firefighters Association, has expressed concern for the safety of firefighters at neighboring Firehouse 1010. There are also concerns that people throughout New York will again be exposed to the contamination as materials removed from the building are transported through neighborhoods on the way to landfills.

"During the original WTC clean up effort, the EPA failed to protect public health or enforce applicable environmental and counter terrorism public safety standards. Residents and workers are now sick because EPA failed to do its job. The people of New York are still waiting for a comprehensive and effective environmental testing and clean up program. A class action lawsuit has even been filed in federal court to get the EPA to do its job, and do it right," said Nadler.

Nadler recommends that the following measures must be taken to protect people living and working in Lower Manhattan: All test results from the building, unfiltered by government agencies, must be made public, for example on a website updated daily. Additional real-time testing of all contaminants known to be present in the building must be conducted in the surrounding area to detect any contamination released during the demolition. A disinterested, independent party must monitor the entire operation. Contingency plans must be put in place, and enforced, in the event that any of these contaminants escape during demolition. The hazardous waste from the site must be properly handled so that there is no release into the community during transport, and it must be disposed of in a legally licensed hazardous waste facility. In short, the site must be handled in a public and transparent manner, consistent with all applicable federal environmental and counterterrorism public safety laws. The EPA must also conduct comprehensive testing of all buildings contaminated by the collapse of the World Trade Center, and it must test for all substances known to present, such as those documented at the Deutsche Bank.

"We know thousands of firefighters who were present at the World Trade Center on 9/11 have already become sick. Because we have this unfortunate advance notice of the disastrous effects of the exposure to World Trade Center contaminants, the government would be knowingly poisoning people if it did not make certain that this tear down is done correctly.

"The EPA has over 30 years of experience in carrying out and supervising hazardous material control activities, which is why it has been designated by President Clinton and President Bush as the lead agency for protecting the public from hazardous materials in a terrorist attack. The EPA must finally fulfill this responsibility at the World Trade Center site and protect the people of New York," said Nadler.

###